

BEFORE THE BOARD OF REALTY REGULATION  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 24.210.667 ) ON PROPOSED AMENDMENT  
and 24.210.661 related to )  
continuing real estate )  
education and new licensee )  
mandatory continuing education )  
- salespersons )

TO: All Concerned Persons

1. On January 13, 2006, at 10:00 a.m., a public hearing will be held in room 489 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Realty Regulation no later than 5:00 p.m., on January 6, 2006, to advise us of the nature of the accommodation that you need. Please contact Barb McAlmond, Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2325; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2323; e-mail dlibsdrre@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.210.667 CONTINUING REAL ESTATE EDUCATION (1) through (3) remain the same.

(4) By ~~October~~ August 1 of each year, the board shall prescribe topics in which the 12 hours of education must be obtained for the following reporting year. A minimum of four hours must come from mandatory topics determined by the board and eight hours may come from elective topics approved by the board.

~~(5) No more than six hours of elective topics may be carried over. No mandatory hours may be carried over to any other year except as elective credits.~~

~~(6)~~ (5) No course shall be repeated for credit in the same ~~calendar~~ reporting year.

(7) through (11) remain the same, but are renumbered (6) through (10).

~~(12) An education reporting form attesting to the successful completion of the continuing education requirement must be submitted to the board by December 31 of each year. Filing of an education reporting form after December 31, but~~

~~on or before February 15 will result in a late filing fee. No affidavit will be accepted after February 15.~~

~~(13) An incomplete education reporting form will not be accepted and will be returned to the licensee. Any form returned to the licensee must be properly completed and resubmitted before the December 31 deadline, or late filing fees will be required.~~

(11) All continuing education instructors or their designee must report licensee attendance at approved continuing education offerings to the board within 10 days of the course offering.

(12) Instructors or their designee must report all education attendance in a format approved and provided by the board.

(13) Failure to accurately and timely provide attendance information to the board could result in withdrawal of the course approval or withdrawal of the instructor approval.

(14) All continuing education courses must be taken and completed within a calendar year the reporting period.

~~(15) The board may audit licensees for compliance with continuing education requirements. Audited licensees must provide copies of completion certification to the board as verification of compliance within 30 days after mailing of the audit request.~~

~~(16) Failure to comply with the completion or reporting requirements established by the board is unprofessional conduct and will result in disciplinary action by the board.~~

~~(17) Education reporting forms will be mailed to all real estate licensees at their last address of record. Failure to receive an education reporting form does not eliminate the reporting requirement. Each licensee is required to annually report continuing education.~~

AUTH: 37-1-131, 37-1-306, 37-1-319, 37-51-203, 37-51-204, MCA  
IMP: 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-51-202, 37-51-203, 37-51-204, MCA

REASON: It is reasonably necessary to change the date on which the board shall prescribe topics in which the 12 hours of continuing education must be obtained for the following reporting year in order to accommodate the new rule date for licensees.

It is reasonably necessary to amend the real estate continuing education rules to require on-line reporting of continuing education, attendance of all licensees, and elimination of carry-over hours in order to accommodate the new education tracking system. This education tracking system will allow a licensee to check their education on the Internet throughout the year and determine the amount of continuing education they need to complete prior to renewal. It will display what courses have been reported to the board for an individual licensee and allow the licensee to monitor their attendance and accumulation of hours. The tracking system will allow the

board to determine at renewal time which licensees are eligible to renew. The education tracking system will eliminate the necessity for licensees to report continuing education at the end of each year and eliminate the necessity for the board to conduct audits of attested continuing education reported by licensees. However, the new tracking system currently has no ability to keep track of carry-over credits. Therefore, it is reasonably necessary to eliminate carry-over credits.

The Board has also determined it is reasonably necessary to amend the authority and implementation cites to provide the complete sources of the Board's rulemaking authority and to accurately reflect all statutes implemented through the rule.

24.210.661 NEW LICENSEE MANDATORY CONTINUING EDUCATION - SALESPERSONS (1) All new sales licensees are required to complete the board mandated new licensee mandatory continuing education requirement by ~~December~~ October 31 ~~following their original license issue date of the calendar year of the initial license date.~~

(2) New sales licensees will receive an interim license that will expire ~~December~~ October 31 ~~of the year of the initial license date.~~

(3) remains the same.

~~(4) Evidence of completion of the new licensee mandatory continuing education may be forwarded to the board office at any time after completion of the mandatory course, but prior to December 31 of the year of the initial license date.~~

~~(5)~~ (4) The new licensee mandatory continuing education does not replace the 12 hour continuing education requirement which begins with the second ~~calendar~~ year of licensing.

~~(6)~~ (5) All licensees are required to submit the renewal form and renewal fee by ~~December~~ October 31 of their license renewal year.

AUTH: 37-1-131, 37-1-306, 37-1-319, 37-51-203, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-51-202, 37-51-204, MCA

REASON: It is reasonably necessary to amend the text in the new licensee mandatory continuing education rule in order to coincide with the change of renewal dates for the board of realty regulation set by the Department of Labor and Industry. The Department is attempting to remove the spike in workload involved with all the large licensing boards renewing at the end of the year. The Department and Board agreed to move the renewal deadline for the Board of Realty Regulation from December 31 to October 31.

It is reasonably necessary to eliminate the requirement that evidence of new licensee mandatory continuing education be forwarded to the board because the Board offers the class, maintains the roster, and already knows who attends.

The Board has also determined it is reasonably necessary to amend the authority and implementation cites to provide the complete courses of the Board's rulemaking authority and to accurately reflect all statutes implemented through the rule.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2323, or by e-mail to [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov) and must be received no later than 5:00 p.m., January 20, 2006.

5. An electronic copy of this Notice of Public Hearing is available through the Department's site on the World Wide Web at [www.realestate.mt.gov](http://www.realestate.mt.gov) under the Board of Realty Regulation rule notice section. The Department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Realty Regulation maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Realty Regulation administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2323, e-mailed to [dlibsdrrea@mt.gov](mailto:dlibsdrrea@mt.gov) or may be made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Gene Allison, attorney, has been designated to preside over and conduct this hearing.

BOARD OF REALTY REGULATION  
TERRY HILGENDORF, CHAIRPERSON

/s/ MARK CADWALLADER  
Mark Cadwallader,  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State December 12, 2005